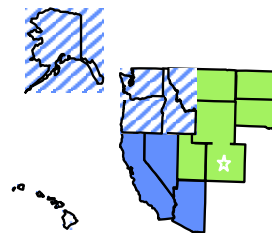




# US Army Environmental Center Western Regional Environmental Office REGION 9 – SAMPLE WESTERN REGION REVIEW



**FOLLOWING IS A SAMPLE OF THE  
WESTERN REGION REVIEW (REGION  
9).**

**THE WESTERN REGION REVIEW IS  
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The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 9 area: Arizona, California, Hawaii and Nevada.

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## **WREO Information About Monthly Reviews**

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: [WREOsubscription@aec.apgea.army.mil](mailto:WREOsubscription@aec.apgea.army.mil). Write "Subscription" in the subject line and include your name and e-mail address.

The WREO's mission is to support the Army/DoD through coordination, communication, and facilitation of regional environmental issues and activities. Part of its mission is to provide regional reviews of legislative and regulatory issues relevant to the Army/DoD in the Western Region. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO 14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. The information contained in this review is current as of the 20<sup>th</sup> day of the previous month.

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**POTENTIALLY INADEQUATE MONITORING UNDER TITLE V** – On February 16, 2005 (70 FR 7905), the United States Environmental Protection Agency (USEPA) announced it is requesting comments to help identify monitoring in Title V operating permits that is potentially inadequate with respect to the statutory monitoring requirements. Comments are due April 18, 2005. For more information, contact the United States Army Environmental Center (USAEC) at (410) 436-1213.

**PREVENTION OF SIGNIFICANT DETERIORATION FOR NITROGEN OXIDES** – On February 23, 2005 (70 FR 8879), the USEPA announced it is reevaluating the increments for nitrogen dioxide (NO<sub>2</sub>), established in 1988, to prevent significant deterioration (PSD) of air quality. Comments are due on April 25, 2005. For more information, contact the USAEC at (410) 436-1213.

**STANDARDS OF PERFORMANCE FOR ELECTRIC UTILITY STEAM GENERATING UNITS** – On February 28, 2005 (70 FR 9705), the USEPA announced it is proposing to amend the emission standards for particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), and nitrogen oxides (NO<sub>x</sub>) in the standards of performance for electric utility steam generating units and industrial-commercial-institutional steam generating units. Only those units that begin construction, modification, or reconstruction after February 28, 2005 would be affected by the proposed amendments. Comments are due by April 29, 2005. For more information, contact the USAEC at (410) 436-1214.

**MERCURY EMISSIONS REDUCTIONS FROM POWER PLANTS** – The USEPA announced the Clean Air Mercury Rule which regulates mercury emissions from coal-fired power plants. The rule limits mercury emissions from new and existing coal-fired power plants, and creates a market-based cap-and-trade program. For more information, contact the USAEC at (410) 436-1213. The rule has not been published in the Federal Register, but is available at <http://www.epa.gov/mercuryrule/rule.htm>.

**REVISIONS TO THE CALIFORNIA STATE IMPLEMENTATION PLAN (SIP) REGARDING PARTICULATE MATTER** – On February 22, 2005 (70 FR 8516 and 70 FR 8520), the USEPA announced it is finalizing approval of revisions to the Great Basin Unified Air Pollution Control District and Ventura County Air Pollution Control District portions of the California State Implementation Plan (SIP). These revisions concern the emission of particulate matter (PM-10) from open burning and incinerator burning. This rule is effective on March 24, 2005. For more information, contact the USAEC at (410) 436-1213.

**REVISIONS TO THE CALIFORNIA SIP REGARDING PERMITTING** – On February 22, 2005 (70 FR 8518), the USEPA announced it is approving revisions to the Antelope Valley Air Quality Management District portion of the California SIP. These revisions concern the permitting of air pollution sources. Barring any adverse comments, the rule will become effective on April 25, 2005. For more information, contact the USAEC at (410) 436-1213.

**REVISIONS TO THE CALIFORNIA STATE IMPLEMENTATION PLAN REGARDING STORAGE AND TRANSFER OF GASOLINE** - On February 22, 2005 (70 FR 8520), the USEPA announced it is taking direct final action to approve revisions to the El Dorado County Air Quality Management District (Mountain Counties portion), Imperial County Air Pollution Control District, and the South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). The revisions concern the storage and transfer of gasoline at dispensing facilities. An obsolete local permitting rule was removed and the local rules that regulate volatile organic compound (VOC) emissions under the Clean Air Act are approved. Barring any adverse comments, the revisions will become effective on April 25, 2005.

### **WATER INFORMATION:**

**DRAFT INTEGRATED REPORT GUIDANCE ON WATER QUALITY** – The USEPA Office of Wetlands, Oceans, and Watersheds has released, "Draft 2006 Integrated Report Guidance for Reporting State's Inventory of Water Quality Condition." The objective of this document is to provide states a recommended reporting format and content for their biennial integrated reports that integrates the reporting requirements of the Clean Water Act (CWA) Section 303(d) and Section 305(b). Comments are due on March 23, 2005. The document is available at <http://www.epa.gov/owow/tmdl/draft2006IRG/>.

**DRINKING WATER CONTAMINANT CANDIDATE LIST 2** – On February 24, 2005 (70 FR 9071), the USEPA announced the final second drinking water Candidate Contaminant List (CCL). Contaminants on this list will be considered under the regulatory determination provision of Safe Drinking Water Act that directs USEPA to select at least five contaminants from the CCL every five years to consider for regulation. The 51 contaminants include nine microbiological and 42 chemicals contaminants. For more information, contact the USAEC at (410) 436-1203.

**DRINKING WATER AND WASTEWATER EMERGENCY RESPONSE TRAINING** – The USEPA released a training CD with exercises to help train water and wastewater utility workers in preparing and carrying-out emergency response plans. See <http://cfpub.epa.gov/safewater/watersecurity/tools.cfmcd> for more information.

### **WASTE INFORMATION:**

**MODIFICATION OF THE HAZARDOUS WASTE MANIFEST SYSTEM** – On March 4, 2005 (70 FR 10775), the United States Environmental Protection Agency (USEPA) announced a final rule establishing new revisions to the uniform hazardous waste manifest regulations and the manifest and continuation sheet forms used to track hazardous waste from a generator's site to the site of its disposition. The revisions will standardize the content and appearance of the manifest form and continuation sheet (Forms 8700-22 and 22a) and adopt new procedures for tracking certain types of waste shipments with the manifest. The final rule becomes effective on September 6, 2005. For more information, contact the USAEC at (410) 436-1265.

**TOXIC EQUIVALENCY REPORTING OF DIOXIN** – On March 7, 2005 (70 FR 10919), the USEPA announced it is proposing revisions to the reporting requirements for the dioxin and dioxin-like compounds category under Section 313 of the Emergency Planning and Community

Right-to-Know Act (EPCRA). The USEPA currently requires that facilities report dioxin and dioxin-like compounds in units of total grams for the entire category, and provide a single distribution of the individual dioxin and dioxin-like compounds at the facility. The USEPA is considering a reporting mechanism which would include toxic equivalents (TEQs) of each member of the dioxin category relative to the most toxic members of the category. Comments on the proposed rule are due on May 6, 2005. For more information, contact the USAEC at (410) 436-1226.

**RCRA, SUPERFUND & EPCRA CALL CENTER** – The USEPA Office of Solid Waste and Emergency Response, Resource Conservation and Recovery Act (RCRA), Superfund & Emergency Planning and Community Right-to-Know Act (EPCRA) Call Center will terminate support of all RCRA, and Underground Storage Tanks (UST) programs on March 31, 2005. RCRA and UST program information will only be available to the public through the following Web sites:

- RCRA - Headquarters: <http://www.epa.gov/osw>
- RCRA - Regional Offices: <http://www.epa.gov/epaoswer/osw/comments.htm>
- RCRA - OnLine database: <http://www.epa.gov/epaoswer/osw/publicat.htm>
- UST - Headquarters: <http://www.epa.gov/oust/>

The Call Center will continue to respond to public inquiries regarding Superfund; Small Business Liability Relief and Brownfields Revitalization Act; EPCRA; Toxic Release Inventory (TRI) program; Superfund Amendments Reauthorization Act Title III; CAA Section 112(r); and Oil Pollution Control Act.

#### **GENERAL INFORMATION:**

**2005 IRIS PROGRAM** – The USEPA has released the 2005 Integrated Risk Information System (IRIS) Agenda and is requesting information related to exposure to chemicals that will be assessed this year. These chemicals are boron; ethylene dibromide (1,2-dibromoethane); lead (updated qualitative discussion); 2-methylnaphthalene; and perchlorate and perchlorate salts. Input is due by May 3, 2005.

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## OTHER FEDERAL INFORMATION

**LANDOWNER INCENTIVE PROGRAM** – On February 16, 2005 (70 FR 7959), the United States Fish and Wildlife Service (USFWS) announced it is requesting proposals under the Landowner Incentive Program (LIP) for conservation grants to states and territories of the US. The grants are awarded to programs that enhance, protect, or restore habitats that benefit federally listed, proposed, or candidate species, or other at-risk species on private lands. Installations could work with adjacent landowners in preparing and submitting grant proposals. Grant proposals are due April 18, 2005. For more information, contact the USAEC at (410) 436-1564. The LIP guidelines are available at <http://federalaid.fws.gov/lip/LIP05%20Guidlines.pdf>.

**FINAL LIST OF BIRD SPECIES EXCLUDED FROM MIGRATORY BIRD TREATY ACT** – On March 15, 2005 (70 FR 12710), the USFWS announced a final list of the nonnative bird species that have been introduced by humans into the United States or its territories and to which the Migratory Bird Treaty Act (MBTA) does not apply. This notice identifies those species that are not protected by the MBTA, even if they belong to biological families referred to in treaties that the MBTA implements. For more information, contact the USAEC at (410) 436-1564.

**DRAFT GUIDANCE FOR INDUSTRY ON INTERNAL RADIOACTIVE CONTAMINATION** – The Food and Drug Administration (FDA) announced the availability of draft guidance for industry entitled, "Internal Radioactive Contamination - Development of Decorporation Agents." This draft document provides guidance to industry on the development of decorporation agents (medical products that increase the rate of elimination or excretion of radioactive contaminants) for the treatment of internal radioactive contamination when evidence is needed to demonstrate the effectiveness of the agents, but human efficacy studies are unethical or infeasible. The draft guidance is available at <http://www.fda.gov/cder/guidance/6394dft.htm>.

**ALTERNATIVE FUEL TRANSPORTATION PROGRAM EVALUATION OF FISCHER-TROPSCH DIESEL FUELS** – On February 14, 2005 (70 FR 7442), the US Department of Energy (DoE) announced it is unable to make the necessary finding that Fischer-Tropsch diesel fuel meets the "yields substantial environmental benefits" criterion necessary for an alternative fuel designation.

**INFORMATION FOR HAZARDOUS MATERIALS TRANSPORTED BY AIRCRAFT** – On February 24, 2005 (70 FR 8956), the Pipeline and Hazardous Materials Safety Administration (PHMSA) announced notification and record retention requirements for aircraft operators transporting hazardous materials that will take effect April 1, 2005. For more information, contact the USAEC at (410) 436-1265.

**FINAL DESIGNATION OF CRITICAL HABITAT FOR FOUR VERNAL POOL CRUSTACEANS AND ELEVEN VERNAL POOL PLANTS IN CALIFORNIA AND SOUTHERN OREGON** – On March 8, 2005 (70 FR 11140), the USFWS confirmed the non-economic exclusions made to a previous final rule, which designated critical habitat pursuant to the ESA, for 4 vernal pool crustaceans and 11 vernal pool plants. A total of approximately 1.1 million acres of land are within the boundaries of designated critical habitat. This estimate reflects exclusion of lands within the boundaries of DoD lands within Beale and Travis Air Force Bases as well as Fort Hunter Liggett and Camp Roberts Army installations. In the previous final rule, Fort Hunter



Liggett and Camp Roberts were excluded from critical habitat designations per ESA 4(b)(2). Fort Hunter Liggett retains the 4(b)(2) exclusion of 16,583 acres. However, the USFWS has now excluded 33,937 acres of Camp Roberts per ESA 4(a)(3)(B) with no mention of a concurrent 4(b)(2) exemption. The rule is effective as of March 8, 2005. For more information, contact the USAEC at (410) 436-1564.

**FINAL RESERVE OPERATIONS PLAN FOR THE NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE** – On March 9, 2005 ([70 FR 11617](#)), the National Oceanic and Atmospheric Administration (NOAA) released the Final Reserve Operations Plan (ROP) for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The ROP provides a guide for management of the Reserve during the process of considering the Northwestern Hawaiian Islands for designation as a National Marine Sanctuary. The ROP is at: <http://www.hawaiireef.noaa.gov>.

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SAMPLE



## UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
<b>DSMOA Training</b>	N/A	Online	The training, presented by the Air Force Center for Environmental Excellence (AFCEE) Web University is designed to provide information needed for the project manager to successfully execute the DoD and State Memorandum of Agreement Program. <a href="https://webu.brooks.af.mil/webu/secure/onlinecourse.asp">https://webu.brooks.af.mil/webu/secure/onlinecourse.asp</a>
<b>Training Exchange</b>	Ongoing	Multiple Sites	This Web site details information on various training opportunities from the USEPA, Interstate Technology Regulatory Council, and others. <a href="http://www.trainex.org">www.trainex.org</a>
<b>The US Army Logistics Management College</b>	Ongoing	Multiple Sites	Various training classes are available for Army, Reserve, and National Guard personnel. <a href="http://www.almc.army.mil/EMD/Page5.html">www.almc.army.mil/EMD/Page5.html</a>
<b>Integrated Training Area Management</b>	Ongoing	Multiple Sites	Register for courses on geographic information systems, range safety, and other topics. <a href="http://www.rsctraining.com/schedule.asp">www.rsctraining.com/schedule.asp</a>
<b>Introduction to Environmental Management Systems Training</b>	N/A	Online	This course provides an overview of EMS and how it can support environmental improvements at facilities that are subject to environmental regulations. The training course takes about one hour to complete. <a href="http://www.epa.gov/epaoswer/hazwaste/permit/ems/ems-101/ems101.htm">http://www.epa.gov/epaoswer/hazwaste/permit/ems/ems-101/ems101.htm</a>
<b>The US Army Corps of Engineers (USACE) Professional Development Support Center</b>	Ongoing	Multiple Sites	The Professional Development Support Centers hosts a range of environmental courses to meet the technical needs of professionals in various government agencies. Access the course catalog at <a href="http://pdsc.usace.army.mil/">http://pdsc.usace.army.mil/</a> .
<b>USDA Forest Service Continuing Education Program</b>	October 2004–September 2005	Multiple Sites	During Fiscal Year 2005 (October 2004–September 2005), the Watershed, Fish, Wildlife, Air, and Rare Plants staff at the USDA Forest Service are scheduling continuing education programs for natural resource professionals. For a complete listing of class schedules and dates, please see: <a href="http://www.fs.fed.us/biology/education">www.fs.fed.us/biology/education</a> .
<b>Joint Services Environmental Management Conference &amp; Exhibition</b>	April 11-14, 2005	Tampa, FL	This year, the Joint Services Environmental Management Conference will be combined with the National Defense Industrial Association's Environment & Energy Division Annual Symposium. <a href="http://www.jsemconference.com/2005/">http://www.jsemconference.com/2005/</a>
<b>National Environmental Partnership Summit</b>	April 11-14, 2005	Chicago, IL	The 2005 Environmental Summit will meet for the merged annual meetings of the National Pollution Prevention Roundtable, Compliance Assistance community and the Performance Track Participants Association. Meet with environmental leaders and innovators from all over the country, every level of government, business & industry and the non-governmental community. <a href="http://www.environmentalsummit.org">www.environmentalsummit.org</a>
<b>14<sup>th</sup> Annual International Emission Inventory Conference</b>	April 11-14, 2005	Las Vegas, NV	The USEPA, Office of Air Quality Planning and Standards, Emission Factor and Inventory Group, and the Emission Inventory Improvement Program (EIIP) are calling for technical papers and cosponsoring a conference entitled "Transforming Emission Inventories - Meeting Future Challenges Today". The conference will focus on changes needed in the inventory world to foster the development of timely emissions data. <a href="http://www.epa.gov/ttn/chief/conference/ei14/index.html">http://www.epa.gov/ttn/chief/conference/ei14/index.html</a>

EVENT	DATE	LOCATION	DETAILS
<b>USEPA Phase 3 Environmental Management Systems Workshops</b>	April 19-20, 2005 April 26-27, 2005	San Francisco, CA Seattle, WA	Includes auditing, management review, and self-certification. <a href="http://www.epa.gov/region09/cross_pr/fedfac/index.html">http://www.epa.gov/region09/cross_pr/fedfac/index.html</a>
<b>Environmental Management Systems (EMS) Training</b>	May 3–4, 2005	Bethesda, MD	The U.S. Departments of Health and Human Services, Agriculture and Transportation, with support from the Office of the Federal Environmental Executive, have scheduled this no cost training at the National Institutes of Health (NIH) Bethesda campus. Attendees from various federal agencies are invited to attend. The theme for this workshop will be EMS "Tying Together all the Pieces". For more information on this workshop, contact Camille Beven at (202) 619-3690. <a href="http://www.ofee.gov/ems/training/HHS04.htm">http://www.ofee.gov/ems/training/HHS04.htm</a>
<b>Global Demilitarization Symposium and Exhibition</b>	May 5-9, 2005	Sparks, NV	This annual event continues to support DoD in numerous efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. <a href="http://register.ndia.org/interview/register.ndia?#May2005">http://register.ndia.org/interview/register.ndia?#May2005</a>
<b>World Water and Environmental Resources Conference</b>	May 15-19, 2005	Anchorage, AK	Engineers, biologists, policymakers, regulators, government officials, economists, industrialists, managers, manufacturers, researchers, consultants, and other professionals interested in issues relating to water and the environment should attend. It is presented by the Environmental & Water Resources Institute of the American Society of Civil Engineers. The technical sessions will cover: the role of simulation models in adaptive management of environmental systems, hydrologic impacts of changing climate patterns, irrigation adaptation to changing water supplies, social impacts and infrastructure modification due to rising sea levels, and biological responses to changing climates. <a href="http://www.asce.org/conferences/ewri05/">http://www.asce.org/conferences/ewri05/</a>
<b>Call for Papers: National Registry of Environmental Professionals Annual Technical Conference</b>	June 1, 2005	Las Vegas, NV	The conference Selection Committee is seeking individual presentations of case histories or programs on a wide variety of environmental topics. Submit abstracts to <a href="mailto:papers@nrep.org">papers@nrep.org</a> .
<b>8<sup>th</sup> Annual In Situ and On-Site Bioremediation Symposium</b>	June 6-9, 2005	Baltimore, MD	The symposium will facilitate technology transfer and integrate the latest developments in fundamental research with innovative engineering application. <a href="http://www.battelle.org/environment/er/conferences/biosymp/default.stm">http://www.battelle.org/environment/er/conferences/biosymp/default.stm</a>
<b>CERCLA/RCRA Course</b>	June 7-10, 2005	San Francisco, CA	This course is designed to train personnel on the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA) hazardous substance response process and the Resource Conservation and Recovery Act (RCRA) corrective action process as it relates to the DoD. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 356 Course Number 33HEL01A.
<b>Threatened, Endangered, and At-Risk Species Research Symposium and Workshop</b>	June 7-9, 2005	Baltimore, MD	The goal of this Symposium & Workshop is to define and evaluate TER-S research relevant to DoD. <a href="http://www.serdp.org/tesworkshop/">http://www.serdp.org/tesworkshop/</a>
<b>American Water Works Association Annual Conference &amp; Exhibition</b>	June 12-16, 2005	San Francisco, CA	The professional program presents issues covering all aspects of water, with the best minds in the industry presenting the latest information. <a href="http://www.awwa.org/ace2005/programs/">http://www.awwa.org/ace2005/programs/</a>
<b>Ecobuild America</b>	June 20-23, 2005	Orlando, FL	An innovative, comprehensive conference programs with more than 100 other green building, sustainable design, environmental planning, and information technology courses for the entire built environment team. <a href="http://www.ecobuildamerica.com/conference.htm">http://www.ecobuildamerica.com/conference.htm</a>
<b>Natural Resources Compliance</b>	June 21-24, 2005	Silverdale, WA	This course, offered by the Civil Engineer Corps Officers School offers instruction in specific natural resource laws, regulations, policies, DoD Instructions, and other guidance, noting Service-specific requirements. <a href="https://www.cecos.navy.mil/course/detail.cfm?courseid=42">https://www.cecos.navy.mil/course/detail.cfm?courseid=42</a>
<b>USEPA Community Involvement Conference and Training</b>	July 12-15, 2005	Buffalo, NY	The theme of the conference is "Building Bridges Through Strong Partnerships". <a href="http://www.epancic.org/2005/overview.cfm">http://www.epancic.org/2005/overview.cfm</a>



EVENT	DATE	LOCATION	DETAILS
<b>2005 Watershed Management Conference</b>	July 19-22, 2005	Williamsburg, VA	Sponsored by the American Society of Civil Engineers and the Environmental and Water Resources Institute. The theme for the conference is "Managing Watersheds for Human and Natural Impacts: Engineering, Ecological, and Economic Challenges". <a href="http://www.asce.org/conferences/watershedmanagement2005/">http://www.asce.org/conferences/watershedmanagement2005/</a>
<b>Environmental Regulations-Practical Application</b>	August 8-12, 2005	Omaha, NE	This course is designed to further the student's understanding and ability to apply the technical requirements of various major federal environmental regulations. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 398 Course Number 33MEC01A.
<b>Introduction to Cultural Resource Management Laws and Regulations</b>	August 17-19, 2005	Seattle, WA	This three-day course, offered by the Civil Engineer Corps Officers School, provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. <a href="https://www.cecos.navy.mil/coursedetail.cfm?courseid=25">https://www.cecos.navy.mil/coursedetail.cfm?courseid=25</a>
<b>2<sup>nd</sup> Sustainable Range Management Conference &amp; Exhibition</b>	August 22-25, 2005	San Antonio, TX	This conference is designed to facilitate exchange of information among stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapons systems and train DoD personnel without conflicting with economic, environmental, and safety concerns. <a href="http://www.rangecon.org">www.rangecon.org</a>

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



### ARIZONA

#### Regulatory Developments & Other State Information

##### AIR INFORMATION:

**AMENDMENTS TO AIR QUALITY PERMIT CLASSES AND FEES** – The Pima County Department of Environmental Quality (PCDEQ) is discussing amendments to its air quality permit classes and fees. A Class III permit category will be included in the permit rule. This category is for any air source requiring a Class II permit that emits, without controls, regulated air pollutants that do not exceed 70 percent of any major source threshold. This category will be exempt from certain permit requirements, such as monitoring, testing, recordkeeping, reporting, compliance plans, permit shields, and certification. For more information, contact Jean Parkinson at (520) 740-3978.

**AMENDMENTS TO CHANGE AIR QUALITY PERMIT FEES** – The PCDEQ is preparing to change the fees for permit actions, administration, and actions that are emission based for Title V sources, inspection for non-Title V sources, and general permits. The permit content rule will be amended to correct deficiencies noted by the USEPA regarding excess emissions during malfunctions, startup, maintenance, and shutdown. The PCDEQ held informal stakeholder meetings January 12, February 16, and March 17, 2005 where the permit fee rule, USEPA's Title V audit, and the backlog of permit fees were discussed. For more information, contact Jean Parkinson at (520) 740-3978.

**AMENDMENT TO THE DEFINITION OF "MAJOR SOURCE"** – The PCDEQ is proposing to amend the definition of "major source" by deleting the phrase "but only with respect to those air pollutants that have been regulated for that category" in Pima County Code (PCC). This change will ensure that the definition of "major source" fully meets Title V of the Clean Air Act. The PCDEQ has scheduled a public hearing for April 19, 2005 in front of the Pima County Board of Supervisors. The amendments will go into effect 30 days after Board adoption. The public comment period runs through March 28, 2005. For more information, contact Jean Parkinson at (520) 740-3978. A draft of the proposed changes can be found at: <http://www.azsos.gov/aar/2005/9/ctynotic.pdf> (page 4 of 82).

**AMENDMENTS TO INCREASE AIR PERMIT FEES** – The Maricopa County Air Quality Division (MCAQD) is discussing amendments to Rule 280, (Air Permits), to substantially increase the fees it charges. The MCAQD published the notice of proposed rulemaking in the Arizona Administrative Code on March 25, 2005. The formal comment period will end April 27, 2005, following an oral proceeding on April 2, 2005. For more information, contact Dena Konopka at (602) 506-4057. The latest draft can be found at <http://www.maricopa.gov/ENV SVC/AIR/RULES/docs/draft280-102104.pdf>.

**AMENDMENTS TO CLARIFY PERMIT TRANSFER REQUIREMENTS FOR NON-TITLE V SOURCES AND TITLE V SOURCES** – The MCAQD is discussing amendments to Rule 200 in

order to clarify permit transfer requirements. The MCAQD will also revise requirements for earth moving permits, so that such requirements match Rule 310 on fugitive dust. The MCAQD has yet to schedule any public hearings or comment period. A notice of proposed rulemaking is anticipated to be published by April 2005. For more information, contact Jo Crumbaker at (602) 506-6705.

**LIMITING FUGITIVE DUST FROM OPEN AREAS TO LIMIT EMISSION OF PM 10** – The MCESD adopted Rule 310.01 (Fugitive Dust From Open Areas, Vacant Lots, Unpaved Parking Lots and Roadways) to limit the emission of particulate matter (PM 10) into the ambient air that are not regulated by Rule 310 (Fugitive Dust). The revisions were approved and final, effective as of February 17, 2005. For more information, contact Johanna Kusper at (602) 506-6710. The final amendments can be found at <http://www.azsos.gov/aar/2005/11/ctynotic.pdf> (pg. 7 of 16).

**UPDATE AMBIENT AIR QUALITY STANDARDS FOR PM 2.5 AND 8-HOUR OZONE TO REFLECT CURRENT STANDARDS** – The Arizona Department of Quality (DEQ) is proposing rules to update its ambient air quality standards to reflect the current national standards. The rulemaking will also add a definition for PM 2.5, update test methods and protocols, and update area designations to include the Phoenix metropolitan 8-hour ozone nonattainment area. The DEQ is still reviewing comments and finalizing the amendments. The rulemaking is anticipated to be submitted to the Governor's Regulatory Review Council (GRRC) for consideration at its April or May 2005 meeting. For more information, contact Kevin Force at (602) 771-4480. The rule can be found at <http://www.azsos.gov/aar/2004/51/proposed.pdf> (page 19 of 27).

**RULES TO IMPLEMENT A STATE HAZARDOUS AIR POLLUTANTS PROGRAM** – The DEQ is discussing rules to implement a state hazardous air pollutants program. A draft for informal comment is anticipated by summer 2005. For more information, contact Kevin Force at (602) 771-4480.

**AMENDING LOCAL RULES TO CONFORM TO THE NEW SOURCE REVIEW REQUIREMENTS OF THE CAA** – The Pinal County Air Quality Department (PCAQD) is proposing revisions to amend local air quality rules to conform to the New Source Review (NSR) requirements of the CAA and involve adoption of more stringent opacity standards. The more stringent opacity standards will become effective immediately for sources in PM 10 nonattainment areas, and will be deferred until April 23, 2006 for sources located in attainment areas. Certain sources will remain exempted. A stakeholder meeting has been scheduled for April 11, 2005 and the public comment period runs through April 20, 2005. The public hearing before the Board of Supervisors is scheduled for April 20, 2005. The draft revisions can be found at <http://www.azsos.gov/aar/2005/10/ctynotic.pdf>.

### **WATER INFORMATION:**

**RECLAIMED WASTEWATER STANDARDS** – The DEQ is considering amendments based on the changes proposed in the Aquifer Protection Permit and Agricultural General Permits rulemaking. The GRRC will consider the regulations at its April 5 or May 3, 2005 meeting. For more information, contact Shirley Conrad at (602) 771-4632. The draft rules and preamble can be found at <http://www.azdeq.gov/envirom/water/permits/app.html#dec>.

**AMENDMENTS TO UPDATE THE SURFACE WATER QUALITY STANDARDS** – The DEQ is discussing amendments that would update definitions; clarify the applicability of the water quality standards rules; modify designated uses; propose new antidegradation implementation procedures; and adopt new narrative water quality standards. The DEQ is scheduled to publish the amendments for public comment by Fall 2005. Informal stakeholder meetings are

anticipated by late Summer 2005. For more information, contact Steve Pawlowski at (602) 771-4219.

### **AMENDMENTS TO THE REQUIREMENTS FOR THE CERTIFICATION OF PUBLIC WATER SYSTEM OPERATORS**

– The DEQ has adopted amendments to improve the operator certification program, which certifies operators of drinking water and wastewater facilities. Currently, the DEQ is able to revoke the certificate of an operator of a wastewater or water facility for noncompliance. A proposed amendment to these rules will allow the DEQ to also place an operator on probation or suspension for noncompliance. The GRRC approved the amendments at its February 1, 2005 meeting and they were final and effective as of March 4, 2005. For more information, contact Jon Fiegen at (602) 771-4596. The final amendments can be found at (pg. 39 of 42 in the pdf) at <http://www.azsos.gov/aar/2005/10/final.pdf> (pg. 28 of 50).

### **WASTE INFORMATION:**

**AMENDMENTS TO THE SOLID WASTE REGULATIONS** – The DEQ is discussing amendments to that would update the information that must be included for approval of an application for a solid waste facility plan; formalize the approval procedures to be followed by the DEQ in reviewing solid waste facility plans; adopt the rules relating to financial assurance requirements for certain solid waste facilities; and establish general criteria that a solid waste facility self certification notice must contain. The DEQ is designing an informal stakeholder process to obtain comments on this rulemaking. For more information, contact Peggy Guichard-Watters at (602) 207-4117.

### **INCORPORATING FEDERAL REGULATIONS INTO STATE HAZARDOUS WASTE PROGRAM**

– The DEQ is discussing amendments to the state's hazardous waste rules to incorporate the text of federal regulations for the purpose of program re-authorization by the USEPA. These latest amendments will cover changes in the federal regulations promulgated between July 1, 2002, and June 30, 2004. The DEQ is still in the process of drafting these amendments. A notice of rulemaking is expected to be published by late spring/early summer 2005. For more information, contact Denise McConaghy at (602) 771-4110.

**FEES FOR DECLARATION OF ENVIRONMENTAL USE RESTRICTION** – The DEQ is discussing a permanent rule to replace its interim fee rule, pursuant to 2000 Arizona Session Laws Chapter 225, Section 13. The rule would establish a fee, which a property owner is required to pay to the DEQ when a declaration of environmental use restriction (DEUR) is submitted for approval. The DEQ has not yet determined whether the interim fee rule is appropriate. An internal discussion is expected to occur during summer 2005. For more information, contact James P. Lawless at (602) 771-4562.

**BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL** – The DEQ intends to amend the definition of petroleum contaminated soils to be consistent with the soil remediation standards rule and legislation that changed the criteria defining petroleum contaminated soils. The Department is considering amendments to the regulations governing the management, treatment, storage, and disposal of special waste. The DEQ is also proposing to combine special waste regulations with best management practices for petroleum contaminated soil into one rule. A draft or revised rules has been completed and will be distributed for informal discussion during the Summer 2005. For more information, contact Kim McDaniel at (602) 771-4121.

### Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began January 10 and will adjourn April 23, 2005. For information on the legislative session, link: <http://www.azleg.state.az.us>.

**ARIZONA HB 2213 – TRANSPORTATION** – Proposes to prohibit owners and operators of commercial vehicles carrying sand, gravel, rock debris, trash, or any other type of loose or unpackaged material from operating a commercial vehicle unless the vehicle load is covered to prevent the load from dropping, sifting, leaking, or otherwise escaping from the vehicle and establish civil penalties for violating the provisions of this law. The bill was introduced and referred to the House Commerce Committee and the Transportation Committee on January 18, 2005. The bill was heard by the Commerce Committee on January 26, 2005. The bill died in committee. The sponsor is Representative Lucy Mason (R).  
<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2213p%2Ehtm&DocType=B>

**ARIZONA HB 2222 - ENVIRONMENTAL CRIMES/FINES** – Proposes to increase the civil penalty for violating the adopted safety standards for transporting gas and hazardous liquids via a pipeline to a figure not to exceed \$100,000 for each violation with each day constituting a separate violation. The bill was referred to the House Committee on Counties, Municipalities, and Military Affairs on January 18, 2005. The bill reported out Committee on and was referred to the Natural Resources and Agriculture Committee on February 1, 2005. The bill passed the House on February 28, 2005. The bill was referred to the Senate Commerce and Economic Development Committee on March 2, 2005. The sponsor is Representative John Nelson (R).  
<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2222p%2Ehtm&DocType=B>

**ARIZONA HB 2317 - ENVIRONMENTAL JUSTICE** – Proposes to establish the Cumulative Environmental Risk Legislative Study Committee for the purpose of examining whether existing permits that are designed to regulate risks to the public health, welfare, and the environment are clustered in particular locations that result in a disparate impact or increased health risk to particular economic groups, age groups or particular ethnic or racial populations; whether existing regulatory systems provide adequate consideration for cumulative risk factors for affected economic and demographic groups; and whether these risk factors are appropriate for consideration by public agencies that assist in protecting the public health, welfare and the environment. The sponsor is Kyrsten Sinema (D).  
<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2317p%2Ehtm&DocType=B>

**ARIZONA HB 2354 - ALTERNATIVE FUELS** – Proposes to establish the Biodiesel Fuel Incentive Pilot Program. The program would grant certain tax credits to persons who buy diesel fuel that is intended for on-road use by a fleet owner in a county with a population 1.2 million or more persons or in any portion of a county in Area A. The program consists of a voluntary program of participation beginning September 1, 2005 and ending July 1, 2012 and a phased reduction in the rate of the use fuel tax as applied to biodiesel fuel used by fleet operators. There is the opportunity for all fleet owners in Area A to participate. The sponsor is Representative Tom Boone (R).  
<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2354p%2Ehtm&DocType=B>

**ARIZONA HB 2356 - WATER QUALITY** – Proposes to authorize the DEQ to provide for a monitoring assistance program contractor to conduct the required monitoring and reporting on a public water system for a period sufficient to return the system to compliance with federal Safe Drinking Water Act requirements. This will apply if the public water system fails to ensure that



required monitoring and reporting are conducted for copper, lead, bacteria, or nitrate, and is designated a significant noncomplier by the USEPA. The bill was introduced and referred to the Committee on the Environment on January 13, 2005. The bill was reported from Committee and referred to the Rules Committee on March 2, 2005. The bill was reported from Committee on March 8, 2005. The sponsor is Representative Ray Barnes (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2356p%2Ehtm&DocType=B>

**ARIZONA HB 2358 - SOLID WASTE** – Proposes to revise the application process for new solid waste facility plans; stipulate that an application for a solid waste facility plan approval is subject to the licensing time frame provision of the DEQ; and stipulate the DEQ's process for reviewing and approving or disapproving an application for a solid waste facility plan amendment for an existing facility, including the licensing time frame provisions. The bill was introduced and referred to the House Environment Committee on January 13, 2005. The bill passed the House on February 28, 2005 and was referred to the Senate Natural Resources and Rural Affairs Committee on March 3, 2005. The sponsor is Representative Ray Barnes (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2358p%2Ehtm&DocType=B>

**ARIZONA HB 2406 - LAND USE** – Proposes to establish that a change in the zoning classification of land that restricts the use or reduces the value of the land initiated by a governing or zoning body is considered a taking and requires compensation to the owner of the land for the reduced value of the property taken. The bill was referred to the House Federal Mandates and Municipal Affairs Committee on January 20, 2005. It was held by committee on January 31, 2005. The sponsor is Representative Russell Pearce (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2406p%2Ehtm&DocType=B>

**ARIZONA HB 2626 - LAND USE** – Proposes to extend the period of time in which businesses with employees located within a military reuse zone are eligible for a tax credit from five to ten years after the zone is designated. The bill was referred to the House Counties, Municipalities, and Military Affairs Committee on February 10, 2005. The bill passed the House and was sent to the Senate on March 8, 2005. The sponsor is Representative Andy Biggs (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2626p%2Ehtm&DocType=B>

**ARIZONA HB 2690 - LAND USE** – Proposes to enact comprehensive reforms of the State Land Trust and establish the Rural Lands Office in the State Land Department which oversees the natural products, management, leasing, sales, development and other disposition of trust lands located in counties having a population of less than 400,000 persons. The bill was referred to the Counties, Municipalities, and Military Affairs Committee on February 17, 2005. The sponsor is Representative Tom O'Halleran (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2690p%2Ehtm&DocType=B>

**ARIZONA HB 2711 - LAND USE** – Proposes to require the Secretary of State to post on its Web site the military training route map prepared by the State Land Department. The bill was filed in the House on February 7, 2005. The bill was referred to the Counties, Municipalities, and Military Affairs Committee on February 14, 2005. The sponsor is Representative Jennifer J. Burns (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/hb2711p%2Ehtm&DocType=B>

**ARIZONA SB 1028 - INSPECTION AND MAINTENANCE PROGRAMS** – Proposes to require vehicles that fail an on-board diagnostic check to take and pass a transient loaded emissions test. The bill was introduced and referred to the Committee on Transportation on January 11, 2005. The bill was scheduled for a hearing on January 18, 2005, but was not heard. The sponsor is Senator Jack Harper (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/sb1028p%2Ehtm&DocType=B>

**ARIZONA SB 1139 - SOLID WASTE** – Proposes to revise the application process for new solid waste facility plans; stipulate that an application for a solid waste facility plan approval is subject to the licensing time frame provision of the DEQ; and stipulate the DEQ's process for reviewing and approving or disapproving an application for a solid waste facility plan amendment for an existing facility, including the licensing time frame provisions. The bill was introduced and referred to the Senate Natural Resources and Rural Affairs Committee on January 20, 2005. The bill passed the Senate and was sent to the House on March 10, 2005. The sponsor is Senator Carolyn S. Allen (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/sb1139p%2Ehtm&DocType=B>

**ARIZONA SB 1190 - WATER USE** – Proposes to prohibit wells from being drilled on land if any part of the land is within one hundred feet of the operating water distribution system of a municipal provider with an assured water supply designation within an active management area. Proposes to establish exemptions for landowners wishing to drill a well on land affected by this law. This bill was referred to the Senate Committee on Natural Resources and Rural Affairs on January 24, 2005. The bill passed Committee and was referred to the Rules Committee on February 2, 2005. The bill passed Committee on February 7, 2005. The bill passed the Senate on February 28, 2005 and was referred to the House Natural Resources and Agriculture Committee on March 3, 2005. The bill passed Committee and was referred to the Rules Committee on March 14, 2005. The sponsor is Senator Jake Flake (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/sb1190p%2Ehtm&DocType=B>

**ARIZONA SB 1336 - WATER USE** – Proposes to create the Rural Water Legislative Study Committee to evaluate information related to all water supplies and water use in rural Arizona; determine the most effective methods of reclamation of water lost through natural processes in rural Arizona; review options for the reuse of water in rural Arizona; review opportunities for developing alternative supplies of water in rural Arizona; identify the resources need to enhance available supplies and infrastructure needs; and review information about the amounts of evaporation and transpiration from lands and foliage in rural Arizona. The bill also proposes to require the Committee to submit a report of its findings to the Speaker of the House and the President of the Senate before December 31, 2006. The bill was introduced and referred to the Senate Committee on Natural Resources and Rural Affairs on February 1, 2005. A hearing was held on February 14, 2005. The sponsor is Senator Jake Flake (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/sb1336p%2Ehtm&DocType=B>

**ARIZONA SB 1341 - AIR QUALITY** – Proposes to broaden the authority of the ADEQ by granting rulemaking authority for identifying air quality exceptional events and require the ADEQ to include provisions that exempt from the standards of measurable exceedances for particulate monitoring those naturally occurring dust events that include precipitation when establishing policy for identifying air quality exceptional events. The bill was introduced and referred to the Senate Natural Resources and Rural Affairs Committee on February 1, 2005. A hearing was held on February 2, 2005. The sponsor is Senator Marilyn Jarrett (R).

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/47leg/1r/bills/sb1341p%2Ehtm&DocType=B>

**ARIZONA SB 1461 - ENVIRONMENTAL MANAGEMENT SYSTEMS** – Proposes to authorize the Director of the DEQ to develop and implement a voluntary environmental performance program and establish mandatory program elements for an organization that participates to include the existence and maintenance of an environmental management system. This program should be appropriate to the nature, scale and environmental impacts of the organizations activities, products or services and that constitutes an effective program to prevent and detect violations of law. The program should also contain verifiable quantitative and qualitative measures that document compliance with environmental statutes and rules. The bill was introduced and referred to the Senate Natural Resources and Rural Affairs Committee

on February 2, 2005. The bill reported favorably and was referred to the Appropriations Committee on February 9, 2005. The sponsor is Senator Jake Flake (R).  
<http://www.azleg.state.az.us/legtext/47leg/1r/bills/sb1461p%2Epdf>

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SAMPLE



## CALIFORNIA

### Regulatory Developments & Other State Information

#### AIR INFORMATION:

**PORTABLE FUEL CONTAINERS AND SPOUTS** – The California Air Resources Board (CARB) is preparing amendments to areas that include certification program; incompatible spout design; use of ATCM test methods as a basis for a certification program; and utility jugs and similar portable containers. In addition, the CARB is proposing to reevaluate the consumer acceptance requirement. The latest proposal would include changes to eliminate flow rate, fill height and auto shut off for containers smaller than 2 1/2 gallons; replace the permeation test procedure with a new diurnal test procedure; and introduce a voluntary consumer acceptance program in order to improve usability of the containers. The CARB anticipates presenting the modified regulation to the Governing Board in June 2005. A timeline for program implementation has not been established. For more information, contact Joseph Fischer at (916) 322-8914. <http://www.arb.ca.gov/pfc/pfc.htm>.

**ENHANCED VAPOR RECOVERY FOR ABOVEGROUND TANKS** – The CARB has prepared new regulations establishing enhanced vapor recovery (EVR) requirements for aboveground gasoline storage tanks at gasoline dispensing facilities. The regulations include definitions; general performance standards; Phase I and Phase II performance standards; vapor certification testing; alternative test and inspection procedures; and certification of systems. For more information, contact Cindy Castronovo at (916) 322-8957. The executive order delaying implementation of the EVR program to April 1, 2005 is available at <http://www.arb.ca.gov/vapor/eos/g70206.pdf>. The modified text of the certification procedure is available at <http://www.arb.ca.gov/regact/ovr/ovrxt/15day.pdf>.

**AIRBORNE TOXIC CONTROL MEASURE (ATCM) TO CONTROL PARTICULATE MATTER EMISSIONS AND REVISIONS TO THE PORTABLE EQUIPMENT REGISTRATION PROGRAM (PERP)** – The CARB has adopted an ATCM to control particulate matter emissions from portable-diesel engines. The CARB is also developing the amendments to the PERP. The portable diesel ATCM was approved by the Office of Administrative Law (OAL) on February 9, 2005 and was submitted to the Secretary of State for publication the same day. The regulation will become effective March 11, 2005. The PERP was submitted to OAL January 7, 2005. For more information, contact Grant Chin at (916) 327-5602.

**STATE IMPLEMENTATION PLAN (SIP) FOR CARBON MONOXIDE** – The CARB has adopted revisions to the California SIP for carbon monoxide (CO). The changes update emission estimates, estimate new on-road vehicle emission budgets, and update the CO maintenance plan for ten urban areas that have attained federal air quality standards. These areas are Bakersfield, Chico, Fresno, North Lake Tahoe, South Lake Tahoe, Modesto, Sacramento, San Diego, San Francisco Bay Area, and Stockton. The SIP was submitted to USEPA on November 8, 2004. The SIP is currently pending USEPA review and is expected to be approved in its current form. For more information, contact Lucille Van Ommering at (916) 323-0296. A copy of the revisions is available at <http://www.arb.ca.gov/planning/sip/co/co.htm>.

**ON-BOARD DIAGNOSTIC REQUIREMENTS FOR HEAVY-DUTY VEHICLES** – The CARB is proposing to develop regulations to implement engine manufacturer diagnostic (EMD) requirements for heavy-duty vehicles, which was adopted to require first-generation diagnostic

systems on all 2007 and subsequent on-road gasoline and diesel fueled heavy-duty vehicles and engines for sale in California. A public hearing on the rulemaking in July 2005 is anticipated. Comments are currently being reviewed from preceding workshops and incorporated into the revised regulation. For more information, contact Mike McCarthy at (626) 575-6615.

**PARTICULATE MATTER CONTROL MEASURES FOR ON-ROAD HEAVY-DUTY DIESEL-FUELED PUBLICLY-OWNED AND OPERATED VEHICLES** – The CARB is preparing a particulate matter control measure for heavy-duty diesel engines in publicly-owned and -contracted fleets. That would require diesel PM be reduced in on-road heavy-duty vehicles with a manufacturer's gross vehicle weight rating of greater than 14,000 pounds, owned and operated on public roads by a public agency or operated under contract to a public agency. The hearing to consider adoption of the Rule has been postponed until October 2005. For more information, contact Sharon LeMieux at (626) 575-7067. The December 2004 draft regulation is available at <http://www.arb.ca.gov/msprog/publicfleets/draftreg122004.doc>

**HEAVY-DUTY DIESEL IN-USE COMPLIANCE** – The CARB has proposed amendments that include verification procedure; warranty; and in-use compliance requirements for in-use strategies to control emissions from diesel engines. The program will be presented to the governing board of the CARB in Fall 2005. For more information, contact Stephan Lemieux at (626) 450-6162. <http://www.arb.ca.gov/regact/verpro03/verpro03.htm>

**ATCM FOR THERMAL SPRAYING** – The CARB has proposed an ATCM for thermal spraying. The ATCM would impact facilities that use thermal spraying products containing chromium, nickel, and other toxic metals. The CARB released an update to the thermal spraying ATCM indicating the modified rule will now be released for the 15-day comment period in March 2005. Barring any major comments on the revised language, the regulation will be submitted to OAL after review of comments. For more information, contact Jose Gomez at (916) 324-8033. The March ATCM update is available at <http://www.arb.ca.gov/coatings/thermal/update3-05.pdf>.

**CAPTURE AND CONTROL VAPORS FROM GASOLINE CARGO TANKERS** – The CARB is considering regulations to capture and control vapors from gasoline cargo (vehicular) tankers that would require control technologies to reduce reactive organic gas emissions from gasoline evaporated from the transfer hoses and connections on the tanks after the delivery is completed; monthly inspection and maintenance program to check the vapor connections and hoses on the fuel cargo tankers; cargo tanks to be purged using an approved method prior to any maintenance or repair being performed; and developing performance specifications and standards for individual components of gasoline cargo tanks and methodology for testing and certifying these components. Comments are being reviewed from a workshop held on March 2, 2005. No further timeline for rule development has been established. For more information, contact Ranjit Bhullar at (916) 322-0223. The rulemaking Web site is available at <http://www.arb.ca.gov/enf/cargotanks/cargotanks.htm>

**COMPREHENSIVE REPORT ON INDOOR AIR POLLUTION** – The CARB is required by AB 1173 to compile a comprehensive report on indoor air pollution. The bill requires the CARB to use the best scientific information to report information on all indoor air pollution, including air toxics; adverse health effects caused by such pollution; the extent current regulations and industry practices are mitigating indoor air pollution; and the work performed by the federal government and other states regarding radiological and biological substances. A revised report was released on February 26, 2005 and a meeting will be held on March 17, 2005 to discuss it. For more information, contact Susan Lum at 916-445-0753. The revised draft is available at



<http://www.arb.ca.gov/research/indoor/ab1173/ab1173.htm>. The meeting agenda is available at <http://www.arb.ca.gov/board/ma/2005/ma031705.htm>.

**ON-ROAD/OFF-ROAD VEHICLE EMISSIONS INVENTORY TO SUPPORT 2007 AND 2008**

**SIPS** – The CARB is discussing potential updates to the on-road and off-road motor vehicle emissions inventory. In addition, they are discussing efforts to update other areas of emissions inventory including consumer products, architectural coatings, livestock, pesticides, biogenics, and wildfires. The updates are necessary to support the development of the 2007 and 2008 State Implementation Plan (SIPs) for federal ozone and particulate matter standards. Additional workshops were scheduled for March 22, March 24, 2005 and March 29, 2005. For more information, contact Jeff Long at (626) 450-6140.

**CONTROL MEASURE FOR IN-USE OFF-ROAD DIESEL-FUELED ENGINES** – The CARB is proposing a control measure for the reduction of diesel particulate matter emissions from diesel-powered in-use off-road equipment greater than 25 horsepower. Equipment covered by this measure includes, but is not limited to, construction equipment, mining equipment, and industrial equipment. The proposed rule would not apply to equipment used in agricultural operations, cargo handling equipment used at ports or intermodal rail facilities, or equipment already covered by an in-use rule or agreement. Workshops and workgroups are anticipated with a workshop possible for mid-spring 2005. A draft report and regulatory language is expected in 2006 with presentation of the final rule in late 2006. For more information, contact Kim Heroy-Rogalski at (916) 327-2200. The control measure Web site is available at <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>.

**OZONE MITIGATION REQUIREMENTS** – The CARB, pursuant to the California Clean Air Act, must assess the contribution of ozone and ozone precursors from upwind regions on ozone concentrations that violate the State ozone standard in downwind areas. The Act also directs the CARB to establish mitigation requirements for upwind districts designed to mitigate their impact on downwind districts. Efforts are currently focused on processing inventory data for use in attainment modeling for the development of the 8-hour ozone SIP. The modeling for the final episodes should be complete in mid-2006. For more information, contact Kim Heroy-Rogalski at (916) 327-2200. The current mitigation regulations are available at <http://www.arb.ca.gov/aqd/transport/mitigation/transportmitigationregulations.pdf>.

**IMPLEMENTATION OF SB 656 PARTICULATE MATTER CONTROLS** – The CARB is discussing the implementation schedules for the list of readily available, feasible, and cost-effective air district particulate matter control measures adopted by the Board in 2004. The implementation schedules will identify a subset of measures from the list that are appropriate to the nature and severity of the PM problem in each air district. The implementation schedules must be completed by July 31, 2005. The air pollution control districts will hold at least one public workshop prior to adoption of the implementation schedules. The schedules must be adopted at a public meeting. For more information, contact Karen Magliano at (916) 322-7137. The SB 656 implementation Web site is available at <http://www.arb.ca.gov/pm/pmmeasures/pmmeasures.htm>.

**PERMITS, MONITORING, AND METHODS** - The Bay Area Air Quality Management District (BAAQMD) is discussing amendments to its manual of procedures that may include engineering permitting procedures, laboratory methods, source test methods, ground level monitoring, and continuous emission monitoring. The rulemaking package is anticipated to be brought before the Board for adoption in April or May 2005. For more information, contact Steve Hill at (415) 749-4673.

**CLEAN AIR PLAN FOR GROUND-LEVEL OZONE** - The BAAQMD is developing an updated clean air plan for ground-level ozone that aims to reduce emissions of ozone-forming pollutants from transportation sources, industrial facilities, commercial processes and other sources. It includes strategies for reducing NO<sub>x</sub> and VOCs to prevent the formation of ozone. The release of the public review draft been delayed pending clarification of specific requirements that regions are or will be subject to with respect to the transition from the national 1-hour ozone standard to the 8-hour standard. The release of the draft strategy is anticipated for Spring 2005. For more information, contact Henry Hilken at (415) 749-4642. Copies of the draft control descriptions are available at <http://www.baaqmd.gov/pln/plans/ozone/2004OzoneStrategyDraftControlMeasures.asp>

**AMENDMENT TO NEW AND MODIFIED STATIONARY SOURCE REVIEW RULE (NSR) –**

The San Joaquin Valley Air Pollution Control District (SJVAPCD) has recently been reclassified as an extreme 1-hour non-attainment ozone area. As a result, the major source threshold for NO<sub>x</sub> or VOC has been reduced from 25 to 10 tons per year. The SJVAPCD is proposing amendments to Rule 2201 to incorporate federal NSR reform requirements. They are also discussing changes to emissions reduction credits and offset requirements for agricultural sources; environmentally beneficial projects related to agricultural waste burning; the NSR equivalency program; and the incorporation of a cap on the use of pre-baseline emission reductions credits as outlined in the Districts 2003 PM<sub>10</sub> plan. Provisions relating to NSR reform have been removed have been rescheduled for consideration later in 2005. For more information, contact Carlos Garcia at (559) 230-5900.

**AMENDMENTS TO RULE 202, NEW SOURCE REVIEW** – The Sacramento Metropolitan Air Quality Management District (SMAQMD) has adopted amendments to Rule 202. The amendments lower the offset trigger requirements for reactive organic compounds or NO<sub>x</sub> to 5000 pounds per quarter; set an emission offset ratio for increases of 5000 pounds per quarter but less than 7500 pounds to 1.0; and require public notification whenever emissions offsets are required. The amendments do not trigger the requirements of the California Clean Air Act because they do not weaken the SMAQMD's pre-2002 SIP approved new source review (NSR) rules. The amendments were adopted at the February 24, 2005 hearing. For more information, contact Kevin Williams at (916) 874-4851.

**AMENDMENTS TO RULE 411, BOILERS** – The SMAQMD is proposing amendments to Rule 411 regulating institutional, industrial, and commercial boilers. The amendments are designed to meet District commitments to implement Best Available Retrofit Control Technology (BARCT) for all SMAQMD stationary source rules. The amendments are now anticipated to be brought before the Board for adoption in April 2005. For more information, contact Ali Mohamad at (916) 874-4850.

**AMENDMENTS TO RULE 413, STATIONARY GAS TURBINES** – The SMAQMD is proposing amendments that would remove certain Reasonably Available Control Technology (RACT) and BARCT limits for NO<sub>x</sub> emissions from stationary gas turbines that are technologically infeasible for large gas turbines at combined cycle plants to meet. The SMAQMD governing board will consider adoption of the amendments to Rule 413 on March 24, 2005. For more information, contact Kevin Williams at (916) 874-4851. An electronic copy of the proposed rule will be available at <http://www.airquality.org>.

**AMENDMENTS TO RULE 304, PLAN FEES** – The SMAQMD is proposing amendments to Rule 304 that would allow the District to establish a fee schedule for the naturally occurring asbestos program. The program requires the SMAQMD to perform reviews and approve asbestos dust mitigation plans, geologic evaluations, and to inspect sites to ensure the program and the ATCM for construction, grading, quarrying, and surface mining operations is being

followed. The SMAQMD governing board considered the adoption of revised Rule 304 at a public hearing March 24, 2005. For more information, contact Jamie Wilson at (916) 874-4838. The notice of the March 24, 2005 hearing is available at <http://www.airquality.org/notices/Rules2005/304HearingNotice.shtml>.

**AMENDMENTS TO REGULATION III- FEES** – The South Coast Air Quality Management District (SCAQMD) is proposing amendments to Regulation III that focus on recovering the costs of the various source programs and clarifying existing language in the rule. The amendments will be presented to the SCAQMD governing board for adoption on May 6, 2005. For more information, contact Henry Pourzand at (909) 396-2414.

**AMENDMENTS TO RULE 1304 AND EXEMPTIONS AND RULE 1306** – The SCAQMD is proposing to amend Rules 1304 and 1306 to clarify that equipment subject to NSR for a concurrent facility modification shall be evaluated based on a potential-to-emit basis. Rule 1304 details circumstances that are exempt from certain Regulation XIII requirements. Rule 1306 is used as the basis for calculating applicability of Regulation XIII and for calculating daily emission increases and decreases used for offset requirements and emission reduction credits. The SCAQMD held a public workshop on March 22, 2005. Comments were due March 25, 2005. For more information, contact Shams Hasan at (909) 396-2338.

**CONTROL OF TOXIC AIR CONTAMINANTS** – The SCAQMD is preparing amendments to regulation of toxic air contaminants that include cumulative impact assessment and mitigation for new source review; cumulative impact assessment and mitigation from existing sources; and control of ethylene oxide emissions from sterilization and fumigation. Rule 1401.1 would impose more stringent facility limitations for new sources within 1000 feet of a school and Rule 1402.1 would impose lower emissions limits for existing facilities within 1000 feet of a school. Comments are being accepted throughout the rulemaking process for Rule 1401.1, with an anticipated hearing date in May 2005. Rule 1402.1 is slated for public hearing in November 2005. For more information, contact Andrew Lee at (909) 396-2643.

**CHROMIUM SPRAY COATING OPERATIONS** – The SCAQMD adopted further controls on spray operations that are not covered by the SCAQMD recently strengthened metal plating rule (Rule 1469). Proposed Rule 1469.1 reduces hexavalent chromium emissions and emissions of other particulate toxic air contaminants from processes that spray primers or coatings containing chromium. Rule 1469.1 was adopted by the governing board on March 4, 2005 and became effective upon adoption. For more information, contact Bob Gottschalk at (310) 233-2456. The final environmental assessment for Rule 1469.1 is available at [http://www.aqmd.gov/ceqa/documents/2005/aqmd/finalEA/FEA\\_1469.doc](http://www.aqmd.gov/ceqa/documents/2005/aqmd/finalEA/FEA_1469.doc).

**EQUIPMENT NOT REQUIRING A PERMIT** – The SCAQMD is considering amendments to Rule 219, equipment not requiring a written permit pursuant to Regulation II. The purpose of this rule is to identify equipment, processes, or operations that emit small amounts of air contaminants that shall not require written permits. The rule may be amended in late 2005, but a specific timeline for rule development has not been scheduled. For more information, contact Moustafa Elsherif at (909) 396-3113.

**STATIONARY GAS TURBINE ENGINES** – The San Diego County Air Pollution Control District (SDCAPD) is considering amendments to its reasonably available control technology measures for stationary gas turbine engines with a power rating of 0.3 megawatts or more. The amendments will correct USEPA-identified deficiencies and will reduce the time period during startup, shutdown, or a fuel change when a turbine engine is exempt from the NO<sub>x</sub> emission standards of the rule; specify that units subject to the NO<sub>x</sub> emission standards of the rule be source tested at least annually, unless more frequent testing is required in writing by the District;

clarify the definition of a stationary gas turbine engine by excluding any equipment powered by or delivering power to the turbine, and by excluding any hardware or software that controls the turbine; and add a definition of "add-on control." The amendments have been delayed and have been removed from the rulemaking calendar until further notice. The rule continues to be discussed internally. For more information, contact Steve Moore at (858) 650-4598.

<http://www.sdapcd.co.san-diego.ca.us/rules/rules/R69-3dft.pdf>

**VAPOR RECOVERY SYSTEMS** – The SDCAPQD is adding new rules that will involve the transfer of gasoline into stationary underground storage tanks. The SDCAPQD is also working on new Rule 61.4.1 regarding the transfer of gasoline into vehicle fuel tanks. Changes to Rule 61.3.1 involve new operating procedures for truck-tank transfers intended to minimize vapor release. The proposed rules are scheduled to be presented for adoption on June 22, 2005. For more information, contact Angela Durr at (858) 650-4598.

<http://www.sdapcd.org/rules/wrkshps/R61-3-1-WrksDft.pdf>

<http://www.sdapcd.org/rules/wrkshps/R61-4-1-WrksDft.pdf>

**SUBPART M, NATIONAL EMISSION STANDARDS FOR ASBESTOS** – The SDAPCD is proposing amendments to adopt by reference the recently amended federal Subpart M, National Emission Standards for Asbestos (NESHAP). The amended federal Subpart M regulates inspection requirements for asbestos containing materials in buildings; regulated asbestos containing material thresholds and procedures for demolition and renovation sites; and asbestos removal and disposal procedures. The amendments are in the final review stages and will be sent to workshop participants shortly. The federal Asbestos NESHAP is expected to be adopted by mid to late 2005. For more information, contact Steve Moore at (858) 650-4598.

**AMENDMENTS TO RULES 201 AND 403** – The Monterey Bay Unified Air Pollution Control District (MBUAPCD) has adopted amendments to Rule 201 (Sources Not Requiring Permits) and 403 (Particulate Matter). The changes remove the wholesale agricultural exemptions rules. A new agricultural exemption was proposed in Rule 201. An exemption for fuel cells was also added. The amendments to Rules 201 and 403 were adopted at a hearing held on February 16, 2005. The rules became effective on February 16, 2005. For more information, contact Michael Sewell at (831) 647-9418.

**STATIONARY EQUIPMENT REGISTRATION REGULATION** – The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is proposing to adopt a rule designed to enhance the enforceability of several new rules while avoiding the complexities of the traditional permitting process. A draft rule for public comment is anticipated for release in May 2005. Workshops are expected following the release of the rule. For more information, contact Scarlett Noguera at (559) 230-5800. The draft staff report is available at [http://www.valleyair.org/Workshops/postings/03-01-05/R2250\\_report\\_SM.pdf](http://www.valleyair.org/Workshops/postings/03-01-05/R2250_report_SM.pdf).

**AMENDMENTS TO THE NEW SOURCE REVIEW RULES** – The Ventura County Air Pollution Control District (VCAPCD) is proposing to amend New Source Review Rule 26 and related Rules 11, 29, and 112. The primary purpose of the revisions is to delete the requirement for informational tracking of the community bank balance and emission increases from small sources. Maintenance of the essential public service account for applicable sources of oxides of nitrogen and reactive organic compounds over 5 tons per year (tpy) and no more than 25 tpy will continue. Only historical references to the community bank will remain in Rule 26. The VCAPCD held a public workshop on the proposed amendments on March 8, 2005. No changes to the rule text are anticipated based on comments received at the workshop. The issue will be brought to the Advisory Committee on May 24, 2005 and to the Air Pollution Control Board in July or August 2005. For more information, contact Don Price at (805) 645-1407.



**WATER INFORMATION:**

**PRIMARY DRINKING WATER STANDARD FOR ARSENIC** - Pursuant to SB 463, adopted in 2001, the California Department of Health Services (CDHS) is preparing to adopt a maximum contaminant level (MCL) for arsenic. If the CDHS fails to set a standard by 2006, the federal standard of 10 ppb will take effect. The new state MCL will take effect in January 2006, in conformance with requirements associated with the 10 ppb federal MCL for arsenic. The CDHS had originally intended to release a proposed draft for public comment by the end of fall 2004, however, as of March 8, 2005, the draft regulation remains under review. For more information, contact Alexis Milea at (510) 540-2177.

<http://www.dhs.ca.gov/ps/ddwem/chemicals/arsenic/newmcl.htm>

**CROSS CONNECTION CONTROL** – The CDHS has drafted amendments including cross connection control hazard assessments; backflow prevention assembly standards and criteria; backflow prevention assembly installation, repairs, and testing; alternative protection plans; and community water system cross connection control. The rule has not yet begun the internal review process. For more information, contact Alexis Milea at (510) 540-2177.

<http://dhs.ca.gov/ps/ddwem/publications/Regulations/crossconnectiondraftreg7-20-03.pdf>

**WATER WORKS** – The CDHS is preparing amendments to its public water works requirements including those for nontransient, noncommunity systems. The amendments include permit requirements for new systems; capacity requirements; source capacity for anticipated growth; and operating requirements. The regulation is undergoing review by the Health and Human Services Agency (HHS). Upon completion of HHS review, the proposed regulation must still undergo OAL review prior to being released for public comment. For more information, contact Alexis Milea at (510) 540-2177. <http://dhs.ca.gov/ps/ddwem/publications/Regulations/waterworksregdraft10-14-03r.pdf>

**GROUNDWATER RECHARGE REUSE** – The CDHS has prepared a draft regulation to establish a groundwater recharge reuse program for recycled water from municipal wastewater. Possible program elements include pathogen and nitrogen control; control of regulated contaminants and physical characteristics; control of nonregulated contaminants; monitoring wells; and reports. The proposed regulation has not yet begun the required internal review process. For more information, contact Robert Hultquist at (916) 323-6111. A version of the draft regulation is available at

<http://www.dhs.ca.gov/ps/ddwem/publications/waterrecycling/rechargeregulationsdraft-12-01-04.pdf>

**INDUSTRIAL STORMWATER** – The California State Water Resources Control Board (CSWRCB) is proposing to renew its general stormwater permit for industrial discharges. Amendments to the general permit include adoption of the conditional exclusion from the federal Phase II stormwater requirements; modifications to stormwater pollution prevention plan requirements; and modifications to the monitoring and group monitoring requirements. Comments are being reviewed, but no further rule development is currently scheduled. For more information, contact Leo Cosentini at (916) 341-5536. The draft industrial permit is available at <http://www.waterboards.ca.gov/stormwtr/industrial.html>

**AMENDMENTS TO OCEAN PLAN** – The CSWRCB is discussing amendments to the state's ocean plan that may include choice of indicator organisms for water-contact bacterial standards; establishing a fecal coliform standard for shellfish harvesting areas; reclassifying areas of special biological significance (ASBS) to state water quality protection areas (SWQPAs) and establishing implementation provisions for discharges into SWQPA; and determining the likelihood that the concentration of a pollutant would cause or contribute to an exceedance of water quality standards. The amendments to the water-contact bacterial standards were



adopted by the CSWRCB on January 20, 2005. Proposed revisions to the plan concerning ASBS will be considered by the CSWRCB on April 6, 2005. For more information, contact Frank Roddy at (916) 341-5250. Notice of the hearing is available at [http://www.swrcb.ca.gov/plnspols/oplans/docs/noticeof\\_publichearing.pdf](http://www.swrcb.ca.gov/plnspols/oplans/docs/noticeof_publichearing.pdf).

### **WASTE INFORMATION:**

**MANAGEMENT STANDARDS FOR ELECTRONIC WASTE** - The California Integrated Waste Management Board (CIWMB) was authorized by SB 20 (2003), the Electronic Waste Recycling Act of 2003, to adopt regulations including reductions in the hazardous substances used in certain electronic products sold in California; beginning the distribution of recovery and recycling payments to qualified entities covering the cost of electronic waste collection and recycling; and establishment of environmentally preferred purchasing criteria for state agency purchases of certain electronic equipment. The Act also provides a legislative mandate for the CIWMB to develop a program to collect an electronic waste recycling fee. This fee is assessed on the sale of video display devices with a screen size greater than four inches. Further, pursuant to SB 50, the Board promulgated emergency regulations which superseded portions of the emergency regulations originally crafted in response to SB 20. The CIWMB intends to begin development of permanent rules implementing SB 20 and SB 50 in mid-2005. The emergency rules implementing SB 20 are scheduled to expire in June 2006. For more information, contact Carl Palmer at (916) 445-2625.

**ELECTRONIC WASTE DATA COLLECTION SHEET** - The CIWMB is preparing amendments to the household hazardous waste data collection sheet (Form 303). The proposed amendments to the form include clarifying the form introduction; revising the way the waste volumes are reported; and adding new waste stream categories. Cathode ray tubes and consumer electronic devices are expected to be added to Form 303 during the course of 2005. For more information, contact Ana Ward at (916) 341-6454.

**LEAD WASTE REGULATIONS** - The California Department of Toxic Substances Control (CDTSC) is discussing the development of new regulations for lead waste. The CDTSC is currently researching possible new "dangerous levels" of lead exposure and plans to release their findings in a research report scheduled for publication in mid-2005. A draft report is anticipated to be released in mid-2005. No further development timeline is currently available. For more information, contact Carl Palmer at (916) 445-2625.

**SECONDARY CONTAINMENT SYSTEMS FOR HAZARDOUS WASTE STORAGE TANKS** - The California Department of Toxic Substances Control (CDTSC) had been discussing a rulemaking regarding secondary containment standards for tanks that would update and clarify provisions in 22 CCR, Division 4.5, Chapters 14 and 15 and address the lack of risk assessment enforcement provisions for RCRA tanks. The CDTSC intends to delete all outdated deadlines for secondary containment and integrity assessments for tank and tank systems at permitted, interim status facilities and generators. The proposed regulations would clarify, simplify, and delete outdated existing requirements and deadlines for tank integrity assessment and secondary containment. Public participation on the revised rulemaking is not expected. The proposed changes are currently under review by the CDTSC Legal Office and are expected to be adopted during summer 2005. For more information, contact Hossein Nassiri at (916) 327-4493.

**AMENDMENTS TO OIL SPILL CONTINGENCY PLAN** - The California Office of Spill Prevention and Response is discussing amendments to the Oil Spill Contingency Plan. A rulemaking in 2006 is anticipated. For more information, contact Joy Lavin-Jones at (916) 324-5662.

**GENERAL INFORMATION:**

**CONFLICTS WITH PESTICIDE LABELING** – The California Department of Pesticide Regulation (CDPR) is preparing to amend its definition of "conflict with labeling." This definition describes the ways in which pesticide use can deviate from instructions. The regulation is not expected to be published until mid-2005. For more information, contact Frank Schneider at (916) 445-4201.

**WORKER'S RIGHT TO KNOW** – The CDPR is preparing to amend its regulations regarding a worker's right to know about the hazards of a pesticide. The CDPR is considering issues such as responsibility of a pest control business to notify property owners or operators before pesticide application; responsibility of the property owner or operator for notifying workers about pesticide use; verbal notification to workers of recent pesticide treatments; written notification of recent pesticide treatments within a quarter mile of a site; and information given to workers whose duties require them to enter an area before the reentry waiting period expires. The CDPR continues to work internally on the proposed regulations and anticipates submitting them to OAL in July 2005. For more information, contact Sue Edmonston at (916) 445-4278.  
<http://www.cdpr.ca.gov/docs/whs/cac/cacwhs04-01.pdf>

**Legislative Developments**

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The legislative session convened on December 6, 2004 and will adjourn on September 5, 2005. For information on the legislative session, link: <http://www.legislature.ca.gov/>

**Note:** The deadline for bill introductions was February 22, 2005, extended by floor vote from February 18, 2005. Over 1000 bills were introduced on February 22. Therefore, many bills have not yet been referred to committees. Senate bills are referred to the Rules Committee to await referral to the proper committee of jurisdiction.

**CALIFORNIA AB 263 - FLAME RETARDANTS** – Proposes to require the CDTSC to administer and enforce the provisions which ban products containing more than 1/10 of 1% pentabrominated diphenyl ether or octabrominated diphenyl ether and establish fines for violation of such provisions to be from \$1,000 to \$5,000. The bill was referred to the Environmental Safety and Toxic Materials Committee on February 15, 2005. The sponsor is Assemblymember Wilma Chan (D). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 342 – PERCHLORATE** – Proposes to require the CDTSC to adopt regulations for managing perchlorate materials by December 31, 2005. The bill was introduced in the Assembly on February 10, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee is March 13, 2005. The sponsor is Representative Joe Baca (D).  
<http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 371 – WATER** – Proposes to exclude recycled water from the definition of waste under sanitation laws and require the State Water Resources Control Board to establish a fee structure with incentives for water recycling. The bill was introduced on February 11, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 17, 2005. The sponsor is Representative Jackie Goldberg (D).  
<http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 486 - LAND USE** – Proposes to add counties to the list of entities eligible to receive portions of the 12% of the urban open space and recreation money set aside for those

entities. The bill was introduced on February 16, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 19, 2005. The sponsor is Representative Tim Leslie (R). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 492 – PERCHLORATE** – Proposes to require businesses that use perchlorate in the course of operations to submit a report to the CDTSC detailing the way perchlorate is disposed of. The report is to be submitted to the CDTSC on January 1, 2007 and by January 1 each year thereafter. The bill was referred to the Committee on Environmental Safety and Toxic Materials on February 24, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in Committee was March 19, 2005. The sponsor is Representative Joe Baca (D). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 495 - WATER QUALITY** – The proposed bill states the legislature's intent to enact legislation addressing the imposition of penalties for a failure to comply with waste discharge requirements. The bill was introduced on February 16, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 19, 2005. The sponsor is Assemblywoman Cindy Montanez (D). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 567 - HAZARDOUS WASTE** – Proposes to authorize the DTSC to adopt regulations establishing hazardous waste management standards as an alternative to one or more standards specified in the hazardous waste control law. The bill was introduced on February 16, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 19, 2005. The sponsor is Assemblyman Greg Aghazarian (R). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 815 - TOXICS** – Proposes to require the Occupational Safety and Health Standards Board to establish a set of standards for the repository of data which is kept for toxic materials. The bill was introduced on February 18, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 22, 2005. The sponsor is Assemblymember Sally Lieber (D). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 990 – TOXICS** – Proposes to ensure the substitution of safer alternatives for priority toxic substances in their use, manufacture, emission, and distribution. The bill was introduced on February 18, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 22, 2005. The sponsor is Assemblymember Sally Lieber (D). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 1168 - WATER QUALITY** – Proposes to require the Office of Environmental Health Hazard Assessment to perform a risk assessment and develop a public health goal for boron by January 1, 2007. The bill also proposes to require the Department of Health Services to adopt a primary drinking water standard for boron by January 1, 2008. The bill was introduced on February 22, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 26, 2005. The sponsor is Assemblywoman Lori Saldana (D). [http://www.leginfo.ca.gov/pub/bill/asm/ab\\_1151-1200/ab\\_1168\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/asm/ab_1151-1200/ab_1168_bill_20050222_introduced.html)

**CALIFORNIA AB 1220 - AIR POLLUTION** – Proposes to require the CARB to include a uniform statewide district fee schedule for the recovery of the actual costs of enforcement and require districts to submit to the CARB the actual costs of enforcement. The bill was introduced on February 22, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 25, 2005. The sponsor is Assemblymember Dave Jones (D). [http://www.leginfo.ca.gov/pub/bill/asm/ab\\_1201-1250/ab\\_1220\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/asm/ab_1201-1250/ab_1220_bill_20050222_introduced.html)

**CALIFORNIA AB 1333 - SOLID WASTE** – Proposes to criminalize the failure to completely remove grease materials from grease traps or interceptors or to reinsert or otherwise improperly deposit grease materials at any place other than an authorized facility. The offenses would be punishable by imprisonment in a county jail for not more than six months and a fine of \$5,000 to \$10,000 for a first offense, or \$10,000 to \$50,000 for a second or subsequent offense. The bill was introduced on February 22, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 27, 2005. The sponsor is Assemblyman Dario Frommer (D). [http://www.leginfo.ca.gov/pub/bill/asm/ab\\_1301-1350/ab\\_1333\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/asm/ab_1301-1350/ab_1333_bill_20050222_introduced.html)

**CALIFORNIA AB 1354 - PERCHLORATE** – Proposes to require the DHS to establish a maximum perchlorate level for public water systems of 6 parts per billion. The provision is to be phased in for a period of 2 years beginning January 1, 2006. The bill was introduced on February 22, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 26, 2005. The sponsor is Representative Joe Baca (D). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA AB 1365 - GREENHOUSE GAS** – Proposes to establish a state planning priority to provide for the reduction in greenhouse gas emissions of at least 7% by 2010 and 10% by 2020 based on the 1990 greenhouse gas emission levels. The bill was introduced on February 22, 2005. The sponsor is Assemblymember Ira Ruskin (D). [http://www.leginfo.ca.gov/pub/bill/asm/ab\\_1351-1400/ab\\_1365\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/asm/ab_1351-1400/ab_1365_bill_20050222_introduced.html)

**CALIFORNIA AB 1606 - LAND USE** – The bill states the intent of the legislature to enact a bill affecting the redevelopment of military installations. The bill was introduced on February 22, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 26, 2005. The sponsor is Representative Simon Salinas (D). <http://www.assembly.ca.gov/acs/acsframeset2text.htm>

**CALIFORNIA SB 25 - LAND USE** – Proposes to authorize the Director of General Services and the Director of the Department of Transportation to sell, exchange, lease, or transfer specified parcels of state property. The bill was introduced and referred to the Senate Rules Committee on December 7, 2004. The sponsor is Senator Jim Battin (R). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_0001-0050/sb\\_25\\_bill\\_20041207\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_0001-0050/sb_25_bill_20041207_introduced.html)

**CALIFORNIA SB 109 - POLLUTION PREVENTION** – Proposes to eliminate the provision in current law which precludes criminal prosecution for the same minor air pollution offense for which civil damages have already been paid. Also eliminates the provision which requires a civil case be dropped when a criminal complaint has been filed for the same minor offense. The bill was referred to the Committee on Environmental Quality and the Committee on Public Safety on February 10, 2005. The sponsor is Senator Deborah Ortiz (D). [http://info.sen.ca.gov/pub/bill/sen/sb\\_0101-0150/sb\\_109\\_bill\\_20050120\\_introduced.html](http://info.sen.ca.gov/pub/bill/sen/sb_0101-0150/sb_109_bill_20050120_introduced.html)

**CALIFORNIA SB 254 - LAND USE** – Proposes to authorize the Department of Housing and Community Development to charge a fee of \$10 for administration of the Local Agency Military Base Recovery Act. The bill was referred to the Committee on Transportation and House and the Committee on Revenue and Taxation on February 24, 2005. Due to a backlog of bills introduced, the earliest the bill can be heard in committee was March 28, 2005. The sponsor is Senator Tom Torlakson (D). [http://info.sen.ca.gov/pub/bill/sen/sb\\_0251-0300/sb\\_254\\_bill\\_20050215\\_introduced.html](http://info.sen.ca.gov/pub/bill/sen/sb_0251-0300/sb_254_bill_20050215_introduced.html)

**CALIFORNIA SB 288 – LEAD** - Proposes to add a provision to existing tenancy laws that a landlord must provide refuting evidence if a tenant expresses that habitability requirements have been violated. These violations include specified limits relating to lead hazards. The bill was referred to the Judiciary and the Transportation and Housing Committees on February 24, 2005.



The bill may be acted upon on or after March 19, 2005. The sponsor is Senator Denise Moreno Ducheny (D). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_0251-0300/sb\\_288\\_bill\\_20050216\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_0251-0300/sb_288_bill_20050216_introduced.html)

**CALIFORNIA SB 674 - LAND USE** – Proposes to grant the state's sovereign interest in certain trust lands within the former Oakland Army Base, and in other lands comprising the Oakland Army Base redevelopment property, to the Oakland Bases Reuse Authority. The bill was introduced on February 22, 2005. The bill was referred to the Committee on Government Organization on March 10, 2005. The sponsor is Senator Don Perata (D). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_0651-0700/sb\\_674\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_0651-0700/sb_674_bill_20050222_introduced.html)

**CALIFORNIA SB 773 – GROUNDWATER** – Proposes to provide that the discharge of treated water that meets state and federal drinking water standards, by an urban water supplier into a groundwater basin by means of a groundwater recharge facility, is not a discharge of waste for the purpose of the Porter-Cologne Water Quality Control Act. The bill was introduced on February 22, 2005. The sponsor is Senator Dave Cox (R). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_0751-0800/sb\\_773\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_0751-0800/sb_773_bill_20050222_introduced.html)

**CALIFORNIA SB 870 - AIR PERMITTING AND QUALITY, ENVIRONMENTAL CRIMES/FINES** – Proposes to make findings and declarations regarding the enforcement of air pollution control measures by regional authorities and allow a community-based air pollution control program to receive moneys derived from fines levied against violators. The bill was referred to the Rules Committee on February 24, 2005. The sponsor is Senator Martha M. Escutia (D). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_0851-0900/sb\\_870\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_0851-0900/sb_870_bill_20050222_introduced.html)

**CALIFORNIA SB 975 – FUELS** – Proposes to provide that any public agency or regulated utility that uses biodiesel fuel in a vehicle engine to comply with federal ambient air quality requirements is exempt from any requirement to retrofit that vehicle engine until the retrofit engine is approved for use with biodiesel fuel. The bill was referred to the Rules Committee on February 24, 2005. The bill may be acted upon on or after March 27, 2005. The sponsor is Roy Ashburn (R). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_0951-1000/sb\\_975\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_0951-1000/sb_975_bill_20050222_introduced.html)

**CALIFORNIA SB 976 – AIR QUALITY** – Proposes to exempt from the requirements of the Protect California Air Act of 2003 the replacement of any permitted stationary source on a military installation, provided that the actual emissions of the replacement stationary source are at lower than the existing permitted source. The bill was introduced on February 22, 2005. The bill may be acted upon on or after March 27, 2005. The sponsor is Senator Roy Ashburn (R). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_0901-0950/sb\\_976\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_0901-0950/sb_976_bill_20050222_introduced.html)

**CALIFORNIA SB 977 – PERCHLORATE** – Proposes to specify that perchlorate located in unused military munitions does not fall under the statutory definition of perchlorate. The bill was introduced and referred to the Rules Committee on February 22, 2005. The sponsor is Senator Roy Ashburn (R). [http://info.sen.ca.gov/pub/bill/sen/sb\\_0951-1000/sb\\_977\\_bill\\_20050222\\_introduced.html](http://info.sen.ca.gov/pub/bill/sen/sb_0951-1000/sb_977_bill_20050222_introduced.html)

**CALIFORNIA SB 1056 - AIR PERMITTING** – Proposes to require every air pollution control district board or air quality management district to establish a permit system. The bill was referred to the Rules Committee on February 24, 2005. The sponsor is Senator Dean Florez (D). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_1051-1100/sb\\_1056\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_1051-1100/sb_1056_bill_20050222_introduced.html)

**CALIFORNIA SB 1067 - WATER QUALITY** – Proposes to repeal existing law which requires the Office of Environmental Health Hazard Assessment to adopt a public health goal for arsenic within a prescribed timeframe. The bill was introduced and referred to the Rules Committee on February 22, 2005. The sponsor is Senator Christine Kehoe (D). [http://www.leginfo.ca.gov/pub/bill/sen/sb\\_1051-1100/sb\\_1067\\_bill\\_20050222\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_1051-1100/sb_1067_bill_20050222_introduced.html)



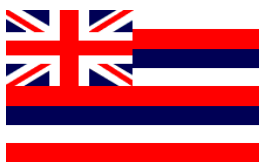
**CALIFORNIA SB 1106 – RECYCLING** – Proposes to consolidate, update, and clarify existing recycling laws, eliminate duplicative provisions, and establish or restate recycling goals and reporting requirements of state agencies in accordance with specified timeframes, as provided. The bill also proposes to require local public entities to purchase recycled products instead of nonrecycled products, as specified. The bill was introduced and referred to the Rules Committee on March 3, 2005. The bill may be acted upon on or after April 3, 2005. The sponsor is the Senate Environmental Quality Committee.

[http://www.leginfo.ca.gov/pub/bill/sen/sb\\_1101-1150/sb\\_1106\\_bill\\_20050303\\_introduced.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_1101-1150/sb_1106_bill_20050303_introduced.html)

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## HAWAII

### Regulatory Developments & Other State Information

**AMENDMENTS TO MANDATORY CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT FACILITIES** – The Hawaii Environmental Management Division withdrew proposed amendments to rules regarding the mandatory certification of operating personnel in wastewater treatment facilities. For more information, contact Harold Yee at (808) 586-4294.

### Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began January 19 and ends May 6, 2005. For information on the legislative session, link: <http://www.capitol.hawaii.gov/sessioncurrent/bills>.

**HAWAII HB 12 - ENVIRONMENTAL CRIMES/FINES** – Proposes to amend the increases of fines for each violation of the water pollution law, or any rule, permit, or variance ranging from \$25,000 to \$40,000. The bill was introduced and referred to the Water, Land and Ocean Resources Committee, the Judiciary Committee and the Finance Committee on January 21, 2005. A hearing was held on February 4, 2005. The bill was reported from the Water, Land and Ocean Resources Committee on February 10, 2005 and referred to the Judiciary Committee on February 12, 2005. However, the bill did not meet the March 4 deadline for bills to report to the House floor. The sponsor is Representative Tommy Waters (D).  
[http://www.capitol.hawaii.gov/sessioncurrent/bills/hb12\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb12_.htm)

**HAWAII HB 404 - LAND USE** – Proposes to authorize the State to execute mitigation plans for a fee upon the request of the landowner, permittee, or developer for the inadvertent discovery of burial sites. The bill was introduced and referred to the Water, Land and Oceans Resources Committee, the Hawaiian Affairs Committee, and the Finance Committee on January 26, 2005. The Water, Land and Oceans Resources and the Hawaiian Affairs Committees held a hearing on February 2, 2005. The bill failed to meet the February 18, 2005 deadline for bills to be reported to their last committee of referral. The sponsor is Representative Helene Hale (D).  
[http://www.capitol.hawaii.gov/sessioncurrent/bills/hb404\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb404_.htm)

**HAWAII HB 407 - EXOTIC NUISANCE SPECIES** – Proposes to require the Department of Agriculture to charge user fees for the inspection and other invasive species prevention services provided by the department. The bill was introduced and referred to the Energy and Environmental Protection Committee, Agriculture Committee, and Finance Committee on January 26, 2005. The Energy and Environmental Protection Committee passed the bill on February 3, 2005. The bill failed to pass the Agriculture Committee on February 17, 2005. The sponsor is Representative Hermina Morita (D).  
[http://www.capitol.hawaii.gov/sessioncurrent/bills/hb407\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb407_.htm)

**HAWAII HB 416 - LAND USE** – Proposes to require an environmental impact statement be performed for the area between Kalaeloa and Kaena point on the island of Oahu and to appropriate funds for this purpose. The results of an environmental impact statement would provide the community and the State with a baseline on the activity and would be useful for

future determinations of cumulative impacts and appropriateness if adding other activities to the area. The bill was introduced and referred to the Energy and Environmental Protection Committee and the Water, Land and Ocean Resources Committee on January 26, 2005. The bill was referred to the Finance Committee on February 17, 2005. The bill passed the House of March 8, 2005 and was referred to the Senate Energy and International Affairs Committee and the Ways and Means Committee on March 10, 2005. The sponsor is Representative Maile Shimabukro (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb416\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb416_.htm)

**HAWAII HB 475 - ELECTRONIC WASTE** – Proposes to create a task force to prepare a statewide policy and plan for the management of electronic waste. The task force would determine who should be responsible for appropriate disposal or recycling of electronic waste, e.g., manufacturers, retailers, consumers, waste handlers, or a combination. The bill was introduced and referred to the Committee on Energy and Environmental Protection on January 26, 2005. The bill failed by Committee on February 2. The bill also failed to meet the February 18 deadline for bills to be reported to their last committee of referral. The sponsor is Representative Barbara Marumoto (R). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb475\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb475_.htm)

**HAWAII HB 571 - SOLID WASTE** – Proposes to clarify an ambiguity in the solid waste disposal provision and make a technical change to a statute regarding waste disposal. The bill was introduced and referred to Energy and Environmental Protection & Judiciary Committees on January 27, 2005. The bill failed to meet the February 18 deadline for bills to be reported to their last committee of referral. The sponsor is Representative Calvin Say (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb571\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb571_.htm)

**HAWAII HB 759 - LAND USE** – Proposes to require notification to the commanding officer of a military installation of zoning changes and district boundary amendments. The bill was referred to the Public Safety and Military Affairs Committee and the Water, Land and Ocean Resources Committee on January 31, 2005. The bill was reported from the Public Safety and Military Affairs Committee and referred to the Water, Land and Ocean Resources Committee on February 10, 2005. On February 15, 2005 the bill was re-referred to the Public Safety and Military Affairs Committee. The bill passed the House and was sent to the Senate on March 8, 2005. The bill was referred to the Education and Military Affairs Committee and the Water, Land, and Agriculture Committee on. The bill has been deferred until March 22, 2005. The sponsors are Representatives Marchus Oshiro (D), Ken Ito (D), and Cynthia Thielen (R). [www.capitol.hawaii.gov/sessioncurrent/bills/hb759\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb759_.htm)

**HAWAII H.B. 768 - DRINKING WATER** – Proposes to prohibit medicinal additives to the public water supply, but not additives commonly used to make water safe and potable. The bill also proposes to exempt federally owned and operated water systems. The bill was introduced on January 26, 2005. The sponsor is Representative Ezra Kanoho (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb768\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb768_.htm)

**HAWAII HB 857 - NOISE POLLUTION** – Proposes to direct the Director of Transportation to include decibel tests as part of the official motor vehicle safety inspection rules. The bill was referred to the House Judiciary and Transportation Committees on January 31, 2005. The bill passed the House on March 8, 2005 and was referred to the Senate Transportation and Government Operations Committee on March 10, 2005. The sponsor is Representative Kirk Caldwell (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb857\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb857_.htm)

**HAWAII HB 898 - CONSERVATION** – Proposes an amendment to Article XI, Section 1, of the Hawaii Constitution, to require use and protection of Hawaii's natural resources in a manner

consistent with their sustainability. The bill was referred to the Water, Land and Ocean Resources Committee, the Judiciary Committee and the Finance Committee on January 31, 2005. The Water, Land and Ocean Resources Committee passed the bill with amendments on February 9, 2005. The bill failed to meet the March 4 deadline for bills to report to the House floor. The sponsor is Representative Brian Schatz (D).  
[http://www.capitol.hawaii.gov/sessioncurrent/bills/hb898\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb898_.htm)

**HAWAII HB 909 - EMISSIONS** – Proposes to require the Department of Transportation to adopt rules implementing the vehicle emission standards of California and rules for inspection of vehicle emission systems. The bill was referred to the Energy and Environmental Protection, Transportation, & Consumer Protection and Commerce Committees on January 31, 2005. The bill failed to meet the February 18 deadline for bills to be reported to their last committee of referral. The sponsor is Representative Lyla Berg (D).  
[http://www.capitol.hawaii.gov/sessioncurrent/bills/hb909\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb909_.htm)

**HAWAII HB 1237 - EXOTIC NUISANCE SPECIES** – Proposes to allow private and public landowners to remove noxious trees within a conservation district by applying for a site plan approval permit. The bill was referred to the Water, Land and Ocean Resources Committee and the Energy and Environmental Protection Committee on January 31, 2005. The sponsor is Representative Hermina Morita (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1237\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1237_.htm)

**HAWAII HB 1308 - GROWTH MANAGEMENT** – Proposes to require 25% of real estate conveyance tax collected, to be deposited into a land conservation fund and allow grants to state agencies, counties, and nonprofit land conservation organizations to acquire interest in lands having a value as a resource to the State. The bill was referred to the Water, Land and Ocean Resources Committee and the Finance Committee on January 31, 2005. The bill was reported from the Water, Land and Ocean Resources Committee on February 11. The bill was referred to the Finance Committee on February 18, 2005 and reported from Committee on February 25, 2005. The bill passed the House on March 8, 2005 and was referred to the Senate Water, Land and Agriculture Committee on March 10, 2005. The sponsor is Representative Calvin Say (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1308\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1308_.htm)

**HAWAII HB 1322 - GROWTH MANAGEMENT** – Proposes to require the State to adopt a rule relating to the imposition of impact fees for facilities development. The bill was referred to the Education Committee, the Water, Land and Ocean Resources Committee and the Finance Committee on January 31, 2005. The bill failed to meet the February 18 deadline for bills to be reported to their last committee of referral. The sponsor is Representative Cindy Evans (D).  
[http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1322\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1322_.htm)

**HAWAII HB 1531 - GROWTH MANAGEMENT** – Proposes to create a task force to review the Hawaii state plan and make recommendations for a sustainability plan to the year 2050. The bill was referred to the Economic Development and Business Concern Committee, the Water, Land and Ocean Resources Committee and the Finance Committee on January 31, 2005. The bill failed to meet the February 18 deadline for bills to be reported to their last committee of referral. The sponsor is Representative Calvin Say (D).  
[http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1531\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1531_.htm)

**HAWAII HB 1627 - WATER** – Proposes to prohibit the use of potable water to irrigate golf courses by 2010 except where there is no reasonably available source of nonpotable water, use of nonpotable water poses a threat to public health and safety, or other surface and ground water uses and emphasize the role of recycled water in comprehensive water resource planning

and management policy. The bill was referred to the Water, Land and Ocean Resources Committee on January 31, 2005. The bill was reported from Committee on February 15, 2005 referred to the Finance Committee on February 17, 2005. The bill failed to meet the March 4 deadline for bills to report to the House floor. The sponsor is Representative Cynthia Thielen (R). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1627\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1627_.htm)

**HAWAII HB 1644 - EMINENT DOMAIN** – Proposes to amend the procedure for filing a complaint related to an exercise of eminent domain authority. The bill was referred to the Water, Land and Ocean Resources Committee and the Judicial Committee on January 31, 2005. The bill failed to meet the February 18 deadline for bills to be reported to their last committee of referral. The sponsor is Representative Kirk Caldwell (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1644\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1644_.htm)

**HAWAII HB 1706 – LAND USE** – Proposes to establish the Uniform Environmental Covenants Act. The bill was referred to the Energy and Environmental Protection Committee and the Water, Land and Ocean Resources Committee. On February 3, 2005, the Committees recommended that the measure be deferred. The sponsor is Representative Hermina Morita (D). [www.capitol.hawaii.gov/sessioncurrent/bills/hb1706\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/hb1706_.htm)

**HAWAII SB 15 - DRINKING WATER** – Proposes to prohibit the addition of chemicals to the public water supply, but not additives commonly used to make water safe and potable, such as chlorine. The bill was introduced on January 19, 2005. The sponsor is Senator Suzanne Chun Oakland (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/sb15\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/sb15_.htm)

**HAWAII SB 16 - DRINKING WATER** – Proposes to prohibit the addition of chemicals to the public water supply, except those necessary to make water potable. The bill was introduced on January 19, 2005. It was referred to the Energy, Environment and International Affairs Committee and the Health Committee on January 27, 2005. The sponsor is Senator Suzanne Chun Oakland (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/sb16\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/sb16_.htm)

**HAWAII SB 31 - CLEAN FUEL FLEETS** – Proposes to require new motor vehicles to be equipped with motor vehicle pollution control devices in compliance with the National Emission Standards Act. The bill was referred to the Committee on Energy, Environment and International Affairs and the Committee on Transportation and Government Operations on February 1, 2005. The bill failed to meet the February 18, 2005 deadline for bills to be reported to their last committee of referral. The sponsor is Senator Gary L. Hooser (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/sb31\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/sb31_.htm)

**HAWAII SB 680 - SOLID WASTE** – Proposes to prohibit solid waste disposal anywhere other than a permitted solid waste management system. The bill was referred to the Health Committee on January 31, 2005 and re-referred to the Energy, Environment & International Affairs Committee on February 1, 2005. The bill was reported from both committees on February 14, 2005. The bill passed the Senate on February 22, 2005 and was referred to the House Energy and Environmental Protection Committee on March 3, 2005. The sponsor is Senator Robert Bunda (D). [http://www.capitol.hawaii.gov/sessioncurrent/bills/sb680\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/sb680_.htm)

**HAWAII SB 1004 - ELECTRONIC WASTE** – Proposes to establish a task force to prepare a statewide policy and plan for the management of electronic waste. The bill was reported from the Energy, Environment and International Affairs Committee on February 11, 2005 and from the Media Arts Committee on February 14, 2005. The bill was referred to the Ways and Means



Committee on February 18, 2005. The sponsor is Senator J. Kalani English (D).

[http://www.capitol.hawaii.gov/sessioncurrent/bills/sb1004\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/sb1004_.htm)

**HAWAII SB 1167 – LAND USE** - Proposes to establish the Uniform Environmental Covenants Act. The bill was referred to the Energy, Environment and International Affairs Committee and the Judiciary and Hawaiian Affairs Committee on February 1, 2005. The sponsor is Senator Clayton Hee (D). [www.capitol.hawaii.gov/sessioncurrent/bills/sb1167\\_.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/sb1167_.htm)

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## NEVADA

### Regulatory Developments & Other State Information

#### AIR INFORMATION:

None.

#### WATER INFORMATION:

**2004 303(D) IMPAIRED WATER LIST** – The Nevada Division of Environmental Protection is developing a list of impaired waterbodies that need additional work beyond existing controls to achieve or maintain water quality standards pursuant to the Clean Water Act. The additional work includes the establishment of total maximum daily loads (TMDLs). The comment period was extended to March 11, 2005. For more information, contact Sam Stegeman at (775) 687-9451. The draft list can be found at [http://ndep.nv.gov/bwqp/file/2004\\_303d%20list\\_draft.pdf](http://ndep.nv.gov/bwqp/file/2004_303d%20list_draft.pdf).

#### WASTE INFORMATION:

**AMENDMENTS TO CHEMICAL ACTION PREVENTION PROGRAM (CAPP) REGULATIONS (R137-04I)** - The Department of Conservation and Natural Resources has adopted amendments to its installation Chemical Action Prevention Program regulations based on SB 127 (passed in 2003). Some of the amendments include fee increases; streamlining program requirements; provisions regarding protection of trade secret information; provisions regarding division investigation of incidents; and a list of explosives. The regulations were published in the February 17, 2005 Nevada Register with an effective date of February 15, 2005. For more information, contact Mark Zusy at (702) 687-3012. The final regulation can be found at <http://www.leg.state.nv.us/Register/2004Register/R137-04A.pdf>.

#### Legislative Developments

A summary of environmental bills considered by the State Legislature is listed below. The status of the bill occurring since the last published Region Review appears in underlined text. The 2005 legislative session began February 7 and ends June 6, 2005. For information on the legislative session, link: <http://www.leg.state.nv.us/>.

**NEVADA AB 65 - ELECTRONIC SCRAP/WASTE** – Proposes to require the State Environmental Commission to adopt regulations prohibiting the disposal of electronic waste at a municipal solid waste landfill or other disposal site. The bill was introduced and referred to the Committee on Natural Resources, Agriculture, and Mining on February 16, 2005. The bill was heard in Committee on March 7, 2005. However, a vote was not taken. The sponsor is Representative Peggy Pierce (D). <http://www.leg.state.nv.us/73rd/bills/AB/AB65.pdf>

**NEVADA SB 81 - LAND USE** – Proposes to authorize the Office of Historic Preservation to conduct a survey of the state land upon which a public works project is proposed to be located to identify any historic or prehistoric sites or artifacts that have historical, scientific, or cultural value and to make recommendations to the state agency responsible for the project concerning the preservation, recording, or excavation of the significant historical resource. The bill was

introduced and referred to the Senate Committee on Human Resources and Education on February 17, 2005. A hearing was scheduled for March 16, 2005. The sponsor is the Senate Committee on Human Resources and Education. <http://www.leg.state.nv.us/73rd/bills/SB/SB81.pdf>

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